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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SCHIFFMAN, JORI

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/871,127	ANDERSON ET AL.
	Examiner	Art Unit
	Jori R. Schiffman	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 August 2002.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4-9,11-14,26 and 27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4-9,11-14,26 and 27 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 May 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-9, 11-14 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Goiny (US 4969788).

Regarding claim 1, in Fig. 2 Goiny discloses an internally threaded fastener assembly comprising a stemmed washer having a washer portion 29, a standoff portion 14 integral with the washer portion and extending therefrom, and a retaining portion 28 integral with the washer portion, and an internally threaded fastener 20 disposed adjacent to the washer portion and retained rotatably (see col. 4, l. 10-12) in assembly with the stemmed washer by the retaining portion.

Regarding claim 2, Goiny discloses a peripheral flange 27 on the fastener, and the retaining portion extends radially inwardly to capture the flange and retain the fastener in the assembly.

As to claim 4, Goiny discloses the standoff portion 14 forms a hollow right cylinder.

Referring to claim 5, Goiny discloses the washer portion is generally planar.

Regarding claim 6, Goiny discloses the fastener is a threaded nut having flats extending from the stemmed washer.

As to claim 7, in Fig. 2 Goiny discloses a threaded nut 20 having a lower peripheral flange 27 and a base having a washer portion 29, a standoff portion 14 extending from the washer portion, and a retaining skirt portion 28 extending integrally from the washer portion and capturing the peripheral flange of the threaded nut to retain the threaded nut rotatably in assembly with the base.

As to claim 8, Goiny discloses the fastener is a threaded nut having flats extending from the stemmed washer.

Regarding claim 9, Goiny discloses the standoff portion 14, the washer portion 29, and the retaining skirt portion 28 form a single-piece structure.

Referring to claim 11, Goiny discloses the washer portion is generally planar.

As to claim 12, Goiny discloses the standoff portion 14 forms a hollow right cylinder.

Regarding claim 13, in Fig. 2 Goiny discloses an internally threaded fastener 20 and a base having a washer portion 29, a standoff portion 14 extending from the washer portion, and a retaining skirt portion 28 extending integrally from the washer portion and capturing the fastener rotatably in assembly with the base.

As to claim 14, Goiny discloses the fastener includes a peripheral flange 27 extending radially therefrom, and the skirt portion captures the peripheral flange to retain the fastener in assembly with the base.

Regarding claim 26, in Fig. 2 Goiny discloses a fastener kit comprising a stemmed washer having a washer portion 29, a standoff portion 14 integral with the washer portion, and a retaining portion 28 integral with the washer portion, an internally threaded fastener 20 disposed adjacent to the washer portion and retained rotatably within assembly with the stemmed washer by the retaining portion, and an externally threaded fastener 4 which mates with the internally threaded fastener.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goiny (US 4969788) in view of McKinlay (US 5688091).

Goiny discloses the claimed fastened joint, as above, and a compressible substrate. 6. Goiny fails to disclose the externally threaded fastener including a head. McKinlay teaches an externally threaded fastener including a head 18 to stop the bolt from advancing too far through the joint. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the bolt in Goiny by adding a head as disclosed in McKinlay in order to stop the bolt from advancing too far through the joint, and therefore create a more secure connection.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 2, 4-9, 11-14, 26, and 27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6435791 to Bydalek and U.S. Pat. No. 5584628 to Bernoni are cited further with particular interest to show an elongated standoff portion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3179.

Jori R. Schiffman  
Examiner  
Art Unit 3679

Application/Control Number: 09/871,127  
Art Unit: 3679

Page 6

JS  
September 11, 2002



Lynne H. Browne  
Supervisory Patent Examiner  
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